



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of:	)	<b>Att.: Box Missing Parts</b>
	)	
Phil FRANK	)	Group Art Unit: 3728
	)	
Serial No. 10/681,321	)	Examiner: To Be Determined
	)	
Filed: October 9, 2003	)	Docket No. 005127.00234
	)	
For: ARTICLE OF FOOTWEAR WITH A	)	
STRETCHABLE UPPER AND AN	)	
ARTICULATED SOLE STRUCTURE	)	

**SUBMISSION OF DECLARATION AND FEES**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

Pursuant to the Notice to File Missing Parts of Application dated January 8, 2004, Applicants hereby submit their executed Declaration in the above Application. The Commissioner is hereby authorized to charge deposit account 19-0733 for a total of \$2,788.00, which includes the basic filing fee of \$770.00, \$1,458.00 for 81 claims over 20, \$430.00 for 5 independent claim over 3, and the \$130.00 surcharge as set forth in 37 C.F.R. §1.16(e). Should any additional fees be necessary, the Commissioner is authorized to charge the cost of the additional fees to deposit account 19-0733.

The submission of these missing parts is timely filed by virtue of their filing with the United States Postal Service by Express Mail on March 8, 2004. However, should any additional extension or fee be required for the filing of these papers, such extension is requested and the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 19-0733.

Respectfully submitted,

By:   
Byron S. Kuzara, Registration No. 51,255

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Dated: March 8, 2004

**JOINT DECLARATION FOR PATENT APPLICATION**

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled Article of Footwear with a Stretchable Upper and an Articulated Sole Structure, the specification of which

- ☐ is attached hereto.  
☒ was filed on 10/9/03 as Application Serial Number 10/681,321 and was amended on \_\_\_\_\_ (if applicable).  
☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and amended on \_\_\_\_\_ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**Prior Foreign Application(s)**

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

**Prior United States Provisional Application(s)**

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)

**Prior United States Application(s)**

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status — Patented, Pending, Abandoned

### Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the practitioners at:

Customer Number: 22909 (PORT)

Please address all correspondence and telephone communications to the address and telephone number for this Customer Number.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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